

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

State Farm Mutual Automobile Insurance
Company and State Farm Fire and Casualty
Company,

Plaintiffs,

v.

Metro Pain Specialists P.C. et al.,

Defendants.

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Case No. 1:21-cv-05523
(MKB)(PK)

**PLAINTIFFS’ NOTICE OF
MOTION FOR PRELIMINARY
INJUNCTION AND STAY**

PLEASE TAKE NOTICE that upon the attached (1) Declaration of Jonathan L. Marks, and the exhibits attached thereto, (2) Affidavit of Doug Babin, and the exhibits attached thereto, and (3) Memorandum of Law in Support of Plaintiffs’ Motion for Preliminary Injunction and Stay, dated December 23, 2021, and upon all prior pleadings and proceedings had herein, Plaintiffs State Farm Mutual Automobile Insurance Company (“State Farm Mutual”) and State Farm Fire and Casualty Company (“State Farm Fire”) will move this Court before the Honorable Margo K. Brodie, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, for an Order pursuant to Federal Rules of Civil Procedure 13(a) and 65:

1. staying until resolution of the instant litigation all arbitrations pending before the American Arbitration Association between Defendants and State Farm Mutual and/or State Farm Fire, seeking no-fault insurance benefits for services or supplies provided by Defendants to patients of Metro Pain Specialists P.C. (“Metro Pain”) or Tri-Borough NY Medical Practice P.C. (“Tri-Borough”);
2. staying until resolution of the instant litigation all lawsuits pending in the State courts of New York between Defendants and State Farm Mutual and/or State Farm Fire, seeking no-fault insurance benefits for services or supplies provided by Defendants to patients of Metro Pain or Tri-Borough; and
3. enjoining Defendants until the resolution of the instant litigation from commencing any new arbitrations or New York State-court proceedings against State Farm Mutual and/or State Farm Fire, seeking no-fault insurance benefits for

services or supplies provided by Defendants to patients of Metro Pain or Tri-Borough.

Dated: December 23, 2021
Chicago, Illinois

KATTEN MUCHIN ROSENMAN LLP

By: /s/ Jonathan L. Marks

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*Attorneys for Plaintiffs State Farm Mutual
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Farm Fire and Casualty Company*

CERTIFICATE OF SERVICE

I hereby attest that, for any Defendant who has not appeared or been personally served with a summons and complaint, I have caused a copy of Plaintiffs' Motion for Preliminary Injunction and Stay, including all motion papers, to be placed in the custody of a process server, who will attempt service on those Defendants. Furthermore, I have caused copies of Plaintiffs' Motion for Preliminary Injunction and Stay, including all motion papers, to be placed in the United States Mail addressed to the last known address of any Defendant who has not appeared in this action, but who has been personally served with a summons and complaint.

By: /s/ Jonathan L. Marks
Jonathan L. Marks
Attorney for Plaintiffs